

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF SOUTH CAROLINA**  
**Columbia Division**

Matthew Alexander Nielson, and the ) CA No. 3:12-cv-01427-CMC  
Freedom From Religion Foundation, Inc., )  
 )  
 )  
*Plaintiffs,* ) **MOTION TO AMEND THE**  
~ vs. ~ ) **AMENDED COMPLAINT**  
 )  
School District Five of Lexington & Richland )  
Counties, )  
 )  
*Defendant.* )  
 )

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**PLAINTIFFS** respectfully move the Court for leave to amend the Amended Complaint to add new defendants and causes of action pursuant to Rules 15 and 20, FRCP. The proposed Second Amended Complaint is attached. Plaintiffs have amended once as a matter of right to add plaintiffs. Plaintiffs now propose to add three claims and three defendants, to wit:

**1. Claims.** The Second Amended Complaint adds Establishment Clause, Equal Protection Clause, and Declaratory relief claims regarding School District Board meeting opening invocations.

**2. Defendants.** The Second Amended Complaint adds The School District superintendent and the board chair as official capacity defendants, and the Board as an entity as to all claims.

**3. Rule 15.** Granting this Motion will not prejudice the Defendants, existing or proposed. The deadline for amending the pleadings has not run, and neither discovery nor trial would be delayed.

**4. Rule 20.** The questions of law and fact are common to all parties in this case, both existing and proposed.

**5. Consultation.** Plaintiffs' Counsel has consulted Defense Counsel, who consent to the granting of this Motion.

**WHEREFORE**, Plaintiffs move for leave to file and serve the Second Amended Complaint.

FOR THE PLAINTIFFS  
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Lexington, South Carolina  
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